

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

United States of America )

v. )

JOSEPH BERNARD POWELL )

Date of Previous Judgment: November 8, 2005 )

(Use Date of Last Amended Judgment if Applicable) )

Case No: 5:04CR00018-003

USM No: 19705-058

Tanzania Cannon-Eckerle

Defendant's Attorney

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)

Previous Offense Level: 29

Amended Offense Level: 27

Criminal History Category: III

Criminal History Category: III

Previous Guideline Range: 120 to 135 months

Amended Guideline Range: 120 to 120 months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ Other (explain): No change due to mandatory minimum.

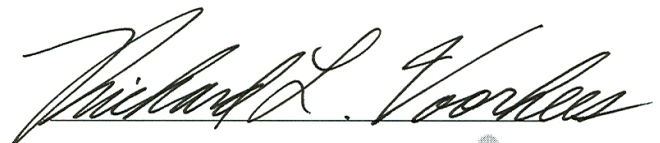
**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated November 8, 2005 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 18, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)



Richard L. Voorhees  
United States District Judge

